

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

<i>IN RE</i> COMPLAINT OF GAIL	:	CASE NO. 1:21-cv-02396
OPASKAR, Individually, and as	:	
the Executrix of the Estate of Dr.	:	OPINION & ORDER
Frank Opaskar, Deceased, for	:	[Resolving Docs. 3 & 10]
Exoneration from or Limitation	:	
of Liability.	:	

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

In the summer of 2021, a fatal boat accident occurred on Lake Erie near Cleveland, Ohio.¹ The accident has given rise to multiple federal and state lawsuits.

In this action, Plaintiff Gail Opaskar, whose late husband died in the accident, seeks to limit her potential liability under the Limitation of Vessel Owner's Liability Act, 46 U.S.C. § 181 *et seq.* ("the Act") after being presented with a claim against her late husband's estate.² Rule F of the Federal Rules of Civil Procedure – Supplemental Rules for Admiralty or Maritime Claims ("Rule F") establishes the procedure for filing a claim under the Act.

Finding that Plaintiff has complied with the Rule F requirements,³ the Court **GRANTS** Plaintiff's renewed motion and enters the appropriate order as detailed below. The Court is also aware of the pending motion to dismiss, which the Court will promptly address once it is fully briefed.

The Court hereby **ORDERS**:

¹ The case was initially assigned to Judge Boyko. It was later transferred

² Doc. 1 at 6.

³ See *S & E Shipping Corp. v. Chesapeake & O. Ry. Co.*, 678 F.2d 636, 642 (6th Cir. 1982) ("Upon the shipowner's filing of the petition and his tender of an adequate bond, the district court must enjoin all other proceedings against the shipowner involving issues arising out of the subject matter of the limitation action.").

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- 1) Pursuant to Rule F(4) of the Federal Rules of Civil Procedure – Supplemental Rules for Admiralty or Maritime Claims, the Notice of Complaint for Exoneration From or Limitation of Liability, attached to the Plaintiff’s motion, shall be issued to all persons asserting claims with respect to a casualty that occurred on June 23, 2021 aboard a vessel, specifically a 1987 Chris-Craft Amerosport, which vessel bears Ohio Registration Number OH 4571 YX and Hull Identification Number CCHEA144G687 (“the Vessel”), which vessel was being operated on the navigable waters of the United States, specifically Lake Erie, near Cleveland, Ohio, admonishing such claimants to file their respective claims in reference to this action with the Clerk of this Court and to serve on the attorneys for the Plaintiff a copy thereof on or before April 29, 2022 at 5:00 p.m., or to be barred from ever pursuing such claims;
- 2) The Notice of Complaint for Exoneration From or Limitation of Liability shall be published in “The Daily Legal News” once a week for four (4) consecutive weeks prior to the date fixed herein for the filing of claims, and the Plaintiff, not later than the date of the second publication, shall also mail a copy of said public notice to every person known to have made any claim against the Plaintiff or the Vessel arising out of the casualty;
- 3) The *Ad Interim* Stipulation, attached to the Plaintiff’s Complaint, is hereby approved;

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- 4) The Monition, attached to the Plaintiff's motion, shall issue and the prosecution of any other pending or further court action or proceeding against the Plaintiff, the Estate of Dr. Opaskar, and/or the Vessel with respect to any claim subject to the limitation action—except the Federal Rules of Civil Procedure – Supplemental Rules for Admiralty or Maritime Claims Rule D Action *Gail Opaskar v. M/V The Third Lady, et al.*, N.D. Ohio No. 1:21-cv- 01710 (Parker, J.)—is enjoined; and,
- 5) The Plaintiff shall serve a copy of this Order in the usual manner on the person or persons to be restrained, or their respective attorneys or representatives, along with all the relevant attachments.

IT IS SO ORDERED.

Dated: March 16, 2022

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE